

## STATE OF MINNESOTA

## EIGHTY-FIRST SESSION — 1999

---

 SIXTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 10, 1999

The House of Representatives convened at 10:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorn	Holsten	Lindner	Pawlenty	Tomassoni
Abrams	Entenza	Howes	Luther	Paymar	Trimble
Anderson, B.	Erhardt	Huntley	Mahoney	Peterson	Tuma
Anderson, I.	Erickson	Jaros	Mares	Pugh	Tunheim
Bakk	Finseth	Jennings	Marko	Rest	Van Dellen
Biernat	Folliard	Johnson	McCollum	Reuter	Vandever
Bishop	Fuller	Juhnke	McElroy	Rhodes	Wagenius
Boudreau	Gerlach	Kahn	McGuire	Rifenberg	Wejzman
Bradley	Gleason	Kalis	Milbert	Rostberg	Wenzel
Broecker	Goodno	Kelliher	Molnau	Rukavina	Westerberg
Buesgens	Gray	Kielkucki	Mulder	Schumacher	Westfall
Carruthers	Greenfield	Knoblach	Mullery	Seagren	Westrom
Cassell	Greiling	Koskinen	Murphy	Seifert, J.	Wilkin
Chaudhary	Gunther	Krinkie	Ness	Seifert, M.	Winter
Clark, J.	Haake	Kubly	Nornes	Skoe	Wolf
Clark, K.	Haas	Kuisle	Olson	Skoglund	Workman
Daggett	Hackbarth	Larsen, P.	Opatz	Smith	Spk. Sviggum
Davids	Harder	Larson, D.	Orfield	Stang	
Dawkins	Hasskamp	Leighton	Osskopp	Storm	
Dehler	Hausman	Lenczewski	Osthoff	Swenson	
Dempsey	Hilty	Leppik	Ozment	Sykora	
Dorman	Holberg	Lieder	Paulsen	Tingelstad	

A quorum was present.

Munger was excused.

Carlson and Pelowski were excused until 10:20 a.m. Otremba and Mariani were excused until 11:00 a.m. Solberg and Stanek were excused until 12:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Seifert, M., moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORT FROM THE CHAIR OF THE  
COMMITTEE ON WAYS AND MEANS

May 7, 1999

Edward A. Burdick  
Chief Clerk of the House of Representatives  
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that S. F. Nos. 685, 1485, 1572, 1636, 1721, 2052 and H. F. Nos. 176, 510, 595, 743, 1077, 1180 and 2127 reconcile with the budget resolution and targets.

Sincerely,

REPRESENTATIVE DAVE BISHOP  
Chair, House Ways and Means Committee

REPORTS OF CHIEF CLERK

S. F. No. 319 and H. F. No. 1077, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mares moved that the rules be so far suspended that S. F. No. 319 be substituted for H. F. No. 1077 and that the House File be indefinitely postponed. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S. F. No. 319 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Mulder introduced:

H. F. No. 2442, A bill for an act relating to economic development; providing for reimbursement of losses incurred by the city of Pipestone; authorizing state bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Policy.

Mullery introduced:

H. F. No. 2443, A bill for an act relating to Hennepin county; making modifications to the human resources system; amending Minnesota Statutes 1998, sections 383B.26; 383B.27, subdivisions 7, 10, 16, 17, and 19; 383B.28, subdivisions 1, 3, and 4; 383B.29; 383B.30; 383B.31; 383B.32, subdivisions 2 and 3; and 383B.34, subdivision 2; repealing Minnesota Statutes 1998, section 383B.27, subdivisions 3, 4, 5, 6, 11, 12, 13, and 14.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 23, A bill for an act relating to family law; repealing the administrative process for support orders; establishing a child support magistrate system; amending Minnesota Statutes 1998, sections 357.021, subdivision 1a; 484.70, subdivision 1; 518.54, by adding a subdivision; 518.551, subdivisions 9, 12, 13, and 14; 518.575, subdivision 1; 518.616, subdivision 1; and 552.05, subdivision 10; Laws 1998, chapter 338, section 8; proposing coding for new law in Minnesota Statutes, chapters 484; and 518; repealing Minnesota Statutes 1998, sections 518.5511; and 518.5512.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Foley, Ten Eyck and Knutson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Biernat moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 23. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 346, A bill for an act relating to child custody; expanding provisions for relative ex parte temporary custody; amending Minnesota Statutes 1998, section 518.158, subdivisions 1 and 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Ranum, Foley and Kiscaden.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wagenius moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 346. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 171, A bill for an act relating to commerce; providing an appropriation for an education campaign on mortgage flipping; establishing penalties; proposing coding for new law in Minnesota Statutes, chapter 82B.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Higgins, Kleis and Lourey.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Gray moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 171. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 441, A bill for an act relating to crime prevention; modifying the criminal penalties for certain crimes to provide more uniformity; creating a pretrial diversion program for writers of dishonored checks; amending Minnesota Statutes 1998, sections 332.50, subdivision 2; 609.52, subdivision 3; 609.535, subdivision 2a; 609.631, subdivision 4; and 609.821, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 628.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Spear; Kelly, R. C., and Limmer.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pawlenty moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 441. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1145.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1145, A bill for an act relating to traffic regulations; modifying provisions regulating disability parking; abolishing certain credit for vehicle registration fee; specifically authorizing statutory and home rule charter cities to adopt ordinances regulating long-term parking; appropriating money; amending Minnesota Statutes 1998, sections 168.021, subdivision 2; 169.345, subdivisions 1, 3, and 4; and 169.346, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation Finance.

### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day, immediately preceding the remaining bills on the Calendar for the Day, for Monday, May 10, 1999:

S. F. Nos. 1572, 1485 and 1636; H. F. Nos. 1024, 595 and 1940; and S. F. Nos. 615, 1329 and 1831.

### CALENDAR FOR THE DAY

S. F. No. 1572, A bill for an act relating to natural resources; modifying provisions for the exchange or sale of leased lakeshore lots; amending Laws 1998, chapter 389, article 16, section 31, subdivisions 2, 3, and 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Cassell	Daggett	Dempsey
Abrams	Biernat	Broecker	Chaudhary	Davids	Dorman
Anderson, B.	Bishop	Buesgens	Clark, J.	Dawkins	Dorn
Anderson, I.	Boudreau	Carruthers	Clark, K.	Dehler	Erhardt

Erickson	Holsten	Leppik	Nornes	Rukavina	Vandev eer
Finseth	Howes	Lieder	Olson	Schumacher	Wejcman
Fuller	Jennings	Lindner	Opatz	Seagren	Wenzel
Gerlach	Johnson	Luther	Orfield	Seifert, J.	Westerberg
Gleason	Juhnke	Mahoney	Osskopp	Seifert, M.	Westfall
Goodno	Kalis	Mares	Osthoff	Skoe	Westrom
Gray	Kelliher	Marko	Ozment	Smith	Wilkin
Gunther	Kielkucki	McCollum	Paulsen	Stang	Winter
Haake	Knoblach	McElroy	Pawlenty	Storm	Wolf
Haas	Koskinen	McGuire	Peterson	Swenson	Workman
Hackbarth	Kubly	Milbert	Pugh	Sykora	Spk. Sviggum
Harder	Kuisle	Molnau	Rest	Tingelstad	
Hasskamp	Larsen, P.	Mulder	Reuter	Tomassoni	
Hausman	Larson, D.	Mullery	Rhodes	Tuma	
Hilty	Leighton	Murphy	Rifenberg	Tunheim	
Holberg	Lenczewski	Ness	Rostberg	Van Dellen	

Those who voted in the negative were:

Entenza	Greenfield	Huntley	Kahn	Skoglund	Wagenius
Folliard	Greiling	Jaros	Paymar	Trimble	

The bill was passed and its title agreed to.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

### CALENDAR FOR THE DAY, Continued

Gray was excused between the hours of 11:30 a.m. and 1:45 p.m.

S. F. No. 1485, A bill for an act relating to professions; modifying provisions of the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design relating to fees and continuing education; increasing penalties; amending Minnesota Statutes 1998, section 326.111, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Rules, part 1800.0500, subpart 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
Anderson, B.	Biernat	Bradley	Carlson	Chaudhary	Daggett

Davids	Haas	Koskinen	Milbert	Pugh	Sykora
Dawkins	Hackbarth	Krinkie	Molnau	Rest	Tingelstad
Dehler	Harder	Kubly	Mulder	Reuter	Tomassoni
Dempsey	Hasskamp	Kuisle	Mullery	Rhodes	Trimble
Dorman	Hausman	Larsen, P.	Murphy	Rifenberg	Tuma
Dorn	Hilty	Larson, D.	Ness	Rostberg	Tunheim
Entenza	Holberg	Leighton	Nornes	Rukavina	Van Dellen
Erhardt	Holsten	Lenczewski	Olson	Schumacher	Vandever
Erickson	Howes	Leppik	Opatz	Seagren	Wagenius
Finseth	Huntley	Lieder	Orfield	Seifert, J.	Wejcman
Folliard	Jaros	Lindner	Osskopp	Seifert, M.	Wenzel
Fuller	Jennings	Luther	Osthoff	Skoe	Westerberg
Gerlach	Johnson	Mahoney	Otremba	Skoglund	Westfall
Gleason	Juhnke	Mares	Ozment	Smith	Wilkin
Goodno	Kahn	Mariani	Paulsen	Solberg	Winter
Greenfield	Kalis	Marko	Pawlenty	Stanek	Wolf
Greiling	Kelliher	McCollum	Paymar	Stang	Workman
Gunther	Kielkucki	McElroy	Pelowski	Storm	Spk. Sviggum
Haake	Knoblach	McGuire	Peterson	Swenson	

The bill was passed and its title agreed to.

S. F. No. 1636 was reported to the House.

Wagenius moved to amend S. F. No. 1636, the unofficial engrossment, as follows:

Page 1, line 19, after "rule" insert:

"(b) Notwithstanding paragraph (a), an elected governing body of a statutory or home-rule city or county may not petition for amendment or repeal of a rule or a specified portion of a rule if the amendment or repeal would have the effect of allowing the discharge of additional effluent into a body of water that is used for drinking water purposes."

Reletter subsequent paragraphs

A roll call was requested and properly seconded.

The question was taken on the Wagenius amendment and the roll was called. There were 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gleason	Kahn	Mariani	Paymar	Trimble
Bakk	Greenfield	Kalis	Marko	Pelowski	Tunheim
Biernat	Greiling	Kelliher	McCollum	Peterson	Wagenius
Carlson	Hasskamp	Koskinen	McGuire	Pugh	Wejcman
Carruthers	Hausman	Kubly	Milbert	Rest	Wenzel
Chaudhary	Hilty	Larson, D.	Mullery	Rukavina	Winter
Clark, K.	Huntley	Leighton	Murphy	Schumacher	
Dawkins	Jaros	Lenczewski	Opatz	Skoe	
Dorn	Jennings	Lieder	Orfield	Skoglund	
Entenza	Johnson	Luther	Osthoff	Solberg	
Folliard	Juhnke	Mahoney	Otremba	Tomassoni	

Those who voted in the negative were:

Abeler	Dehler	Hackbarth	Mares	Rhodes	Tingelstad
Abrams	Dempsey	Harder	McElroy	Rifenberg	Tuma
Anderson, B.	Dorman	Holberg	Molnau	Rostberg	Van Dellen
Bishop	Erhardt	Holsten	Mulder	Seagren	Vandever
Boudreau	Erickson	Howes	Ness	Seifert, J.	Westerberg
Bradley	Finseth	Kielkucki	Nornes	Seifert, M.	Westfall
Broecker	Fuller	Knoblach	Olson	Smith	Westrom
Buesgens	Gerlach	Krinkie	Osskopp	Stanek	Wilkin
Cassell	Goodno	Kuisle	Ozment	Stang	Wolf
Clark, J.	Gunther	Larsen, P.	Paulsen	Storm	Workman
Daggett	Haake	Leppik	Pawlenty	Swenson	Spk. Sviggum
Davids	Haas	Lindner	Reuter	Sykora	

The motion did not prevail and the amendment was not adopted.

Larson, D., and Lenczewski moved to amend S. F. No. 1636, the unofficial engrossment, as follows:

Page 1, after line 19, insert:

"(b) Notwithstanding paragraph (a), an elected governing body of a statutory or home-rule city or county may not petition for amendment or repeal of a rule or a specified portion of a rule if the amendment or repeal would have the effect of increasing the discharge or release of any harmful pollutants."

Reletter subsequent paragraphs

A roll call was requested and properly seconded.

The question was taken on the Larson, D., and Lenczewski amendment and the roll was called. There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gleason	Juhnke	Mahoney	Paymar	Tunheim
Bakk	Greenfield	Kahn	Mariani	Pelowski	Vandever
Biernat	Greiling	Kalis	Marko	Peterson	Wagenius
Carlson	Haake	Kelliher	McCollum	Pugh	Wejcman
Carruthers	Hasskamp	Koskinen	McGuire	Rest	Wenzel
Chaudhary	Hausman	Kubly	Milbert	Rukavina	Winter
Clark, K.	Hilty	Larson, D.	Mullery	Schumacher	
Dawkins	Huntley	Leighton	Opatz	Skoglund	
Dorn	Jaros	Lenczewski	Orfield	Solberg	
Entenza	Jennings	Lieder	Osthoff	Tomassoni	
Folliard	Johnson	Luther	Otremba	Trimble	

Those who voted in the negative were:

Abeler	Bishop	Broecker	Clark, J.	Dehler	Erhardt
Abrams	Boudreau	Buesgens	Daggett	Dempsey	Erickson
Anderson, B.	Bradley	Cassell	Davids	Dorman	Finseth

Fuller	Howes	McElroy	Pawlenty	Smith	Westerberg
Gerlach	Kielkucki	Molnau	Reuter	Stanek	Westfall
Goodno	Knoblach	Mulder	Rhodes	Stang	Westrom
Gunther	Krinkie	Ness	Rifenberg	Storm	Wilkin
Haas	Kuisle	Nornes	Rostberg	Swenson	Wolf
Hackbarth	Larsen, P.	Olson	Seagren	Sykora	Workman
Harder	Leppik	Osskopp	Seifert, J.	Tingelstad	Spk. Sviggum
Holberg	Lindner	Ozment	Seifert, M.	Tuma	
Holsten	Mares	Paulsen	Skoe	Van Dellen	

The motion did not prevail and the amendment was not adopted.

Greenfield moved to amend S. F. No. 1636, the unofficial engrossment, as follows:

Page 1, after line 19, insert:

"(b) Notwithstanding paragraph (a), an elected governing body of a statutory or home-rule city or county may not petition for amendment or repeal of a rule or a specified portion of a rule if the amendment or repeal would have the effect of harming the welfare of children."

Reletter subsequent paragraphs

A roll call was requested and properly seconded.

The question was taken on the Greenfield amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gleason	Juhnke	Mahoney	Osthoff	Tomassoni
Bakk	Greenfield	Kahn	Mariani	Otremba	Trimble
Biernat	Greiling	Kelliher	Marko	Paymar	Tunheim
Carlson	Hasskamp	Koskinen	McCollum	Peterson	Vandever
Carruthers	Hausman	Kubly	McGuire	Pugh	Wagenius
Chaudhary	Hilty	Larson, D.	Milbert	Rest	Wejzman
Clark, K.	Huntley	Leighton	Mullery	Rukavina	Winter
Dawkins	Jaros	Lenczewski	Murphy	Schumacher	
Entenza	Jennings	Lieder	Opatz	Skoglund	
Folliard	Johnson	Luther	Orfield	Solberg	

Those who voted in the negative were:

Abeler	Clark, J.	Finseth	Holberg	Leppik	Osskopp
Abrams	Daggett	Fuller	Holsten	Lindner	Ozment
Anderson, B.	Davids	Gerlach	Howes	Mares	Paulsen
Bishop	Dehler	Goodno	Kalis	McElroy	Pawlenty
Boudreau	Dempsey	Gunther	Kielkucki	Molnau	Pelowski
Bradley	Dorman	Haake	Knoblach	Mulder	Reuter
Broecker	Dorn	Haas	Krinkie	Ness	Rhodes
Buesgens	Erhardt	Hackbarth	Kuisle	Nornes	Rifenberg
Cassell	Erickson	Harder	Larsen, P.	Olson	Rostberg

Seagren	Smith	Swenson	Van Dellen	Westrom	Spk. Sviggum
Seifert, J.	Stanek	Sykora	Wenzel	Wilkin	
Seifert, M.	Stang	Tingelstad	Westerberg	Wolf	
Skoe	Storm	Tuma	Westfall	Workman	

The motion did not prevail and the amendment was not adopted.

Chaudhary moved to amend S. F. No. 1636, the unofficial engrossment, as follows:

Page 1, after line 19, insert:

"(b) Notwithstanding paragraph (a), an elected governing body of a statutory or home-rule city or county may not petition for amendment or repeal of a rule or a specified portion of a rule if the amendment or repeal would have the effect of reducing access to health care."

Reletter subsequent paragraphs

A roll call was requested and properly seconded.

Abrams moved to amend the Chaudhary amendment to S. F. No. 1636, the unofficial engrossment, as follows:

Page 1, line 8, delete everything before the period and insert "increasing property taxes"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Hasskamp	Larsen, P.	Murphy	Rostberg
Abrams	Dempsey	Hausman	Larson, D.	Ness	Rukavina
Anderson, B.	Dorman	Hilty	Leighton	Nornes	Schumacher
Anderson, I.	Dorn	Holberg	Lenczewski	Opatz	Seagren
Biernat	Entenza	Holsten	Leppik	Orfield	Seifert, J.
Bishop	Erhardt	Howes	Lieder	Osskopp	Seifert, M.
Boudreau	Erickson	Huntley	Lindner	Osthoff	Skoe
Bradley	Finseth	Jaros	Luther	Otremba	Skoglund
Broecker	Folliard	Jennings	Mahoney	Ozment	Smith
Buesgens	Fuller	Juhnke	Mares	Paulsen	Solberg
Carlson	Gerlach	Kahn	Mariani	Pawlenty	Stanek
Carruthers	Gleason	Kalis	Marko	Paymar	Stang
Cassell	Goodno	Kelliher	McCollum	Pelowski	Storm
Chaudhary	Greenfield	Kielkucki	McElroy	Peterson	Swenson
Clark, J.	Gunther	Knoblach	McGuire	Pugh	Sykora
Clark, K.	Haake	Koskinen	Milbert	Rest	Tingelstad
Daggett	Haas	Krinkie	Molnau	Reuter	Tomassoni
Davids	Hackbarth	Kubly	Mulder	Rhodes	Trimble
Dawkins	Harder	Kuisle	Mullery	Rifenberg	Tuma

Tunheim	Wagenius	Westerberg	Wilkin	Workman
Van Dellen	Wejcman	Westfall	Winter	Spk. Sviggum
Vandever	Wenzel	Westrom	Wolf	

Those who voted in the negative were:

Olson

The motion prevailed and the amendment to the amendment was adopted.

Chaudhary moved to further amend the Chaudhary amendment, as amended, to S. F. No. 1636, the unofficial engrossment, as follows:

Page 1, line 8, before "increasing" insert "reducing access to health care and"

A roll call was requested and properly seconded.

#### POINT OF ORDER

Tuma raised a point of order pursuant to section 421 of "Mason's Manual of Legislative Procedure," relating to Equivalent Amendments that the Chaudhary amendment to the amendment, as amended, was not in order. The Speaker ruled the point of order not well taken and the Chaudhary amendment to the amendment, as amended, in order.

The question recurred on the amendment to the amendment, as amended, and the roll was called. There were 122 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mahoney	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mares	Peterson	Tomassoni
Anderson, I.	Erickson	Jennings	Mariani	Pugh	Trimble
Bakk	Finseth	Johnson	Marko	Rest	Tuma
Biernat	Folliard	Juhnke	McCollum	Reuter	Tunheim
Bishop	Fuller	Kahn	McElroy	Rhodes	Van Dellen
Broecker	Gerlach	Kalis	McGuire	Rifenberg	Vandever
Buesgens	Gleason	Kelliher	Milbert	Rostberg	Wagenius
Carlson	Greenfield	Kielkucki	Molnau	Rukavina	Wejcman
Carruthers	Greiling	Knoblach	Mulder	Schumacher	Wenzel
Cassell	Gunther	Koskinen	Mullery	Seagren	Westerberg
Chaudhary	Haake	Krinkie	Murphy	Seifert, J.	Westfall
Clark, J.	Haas	Kubly	Ness	Seifert, M.	Westrom
Clark, K.	Hackbarth	Kuisle	Nornes	Skoe	Winter
Daggett	Harder	Larsen, P.	Opatz	Skoglund	Wolf
Davids	Hasskamp	Larson, D.	Orfield	Solberg	Workman
Dawkins	Hausman	Leighton	Osthoff	Stanek	Spk. Sviggum
Dehler	Hilty	Lenczewski	Otremba	Stang	
Dempsey	Holberg	Leppik	Paulsen	Storm	
Dorman	Holsten	Lieder	Pawlenty	Swenson	
Dorn	Howes	Luther	Paymar	Sykora	

Those who voted in the negative were:

Boudreau	Goodno	Olson	Wilkin
Bradley	Lindner	Smith	

The motion prevailed and the amendment to the amendment, as amended, was adopted.

The question recurred on the Chaudhary amendment, as amended, and the roll was called. There were 120 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pawlenty	Swenson
Abrams	Erhardt	Jaros	Mariani	Paymar	Sykora
Anderson, I.	Erickson	Jennings	Marko	Pelowski	Tingelstad
Bakk	Finseth	Johnson	McCollum	Peterson	Tomassoni
Biernat	Folliard	Juhnke	McElroy	Pugh	Trimble
Bishop	Fuller	Kahn	McGuire	Rest	Tuma
Broecker	Gleason	Kalis	Milbert	Reuter	Tunheim
Carlson	Greenfield	Kelliher	Molnau	Rhodes	Van Dellen
Carruthers	Greiling	Knoblach	Mulder	Rostberg	Vandever
Cassell	Gunther	Koskinen	Mullery	Rukavina	Wagenius
Chaudhary	Haake	Krinkie	Murphy	Seagren	Wejzman
Clark, J.	Haas	Kubly	Ness	Seifert, J.	Wenzel
Clark, K.	Hackbarth	Larsen, P.	Nornes	Seifert, M.	Westerberg
Daggett	Harder	Larson, D.	Opatz	Skoe	Westfall
Davids	Hasskamp	Leighton	Orfield	Skoglund	Westrom
Dawkins	Hausman	Lenczewski	Osskopp	Smith	Wilkin
Dehler	Hilty	Leppik	Osthoff	Solberg	Winter
Dempsey	Holberg	Lieder	Otremba	Stanek	Wolf
Dorman	Holsten	Luther	Ozment	Stang	Workman
Dorn	Howes	Mahoney	Paulsen	Storm	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Bradley	Gerlach	Kielkucki	Lindner	Rifenberg
Boudreau	Buesgens	Goodno	Kuise	Olson	

The motion prevailed and the amendment, as amended, was adopted.

The Speaker called Boudreau to the Chair.

Carruthers moved to amend S. F. No. 1636, the unofficial engrossment, as amended, as follows:

Page 2, line 20, delete "or"

Page 2, line 22, after "program" insert "; or

(4) the rule is required by state statutes or is required to maintain authority to administer a state program"

The motion prevailed and the amendment was adopted.

Winter moved to amend S. F. No. 1636, the unofficial engrossment, as amended, as follows:

Page 3, line 29, delete "half"

A roll call was requested and properly seconded.

The question was taken on the Winter amendment and the roll was called. There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gleason	Kelliher	Marko	Paymar	Trimble
Bakk	Greenfield	Koskinen	McCollum	Peterson	Tunheim
Biernat	Greiling	Kubly	McGuire	Pugh	Wagenius
Carlson	Hasskamp	Larson, D.	Milbert	Rest	Wejman
Carruthers	Hausman	Leighton	Mullery	Rukavina	Wenzel
Chaudhary	Huntley	Lenczewski	Murphy	Schumacher	Winter
Clark, K.	Jennings	Lieder	Opatz	Skoe	
Dawkins	Johnson	Luther	Orfield	Skoglund	
Entenza	Juhnke	Mahoney	Osthoff	Solberg	
Folliard	Kahn	Mariani	Otremba	Tomassoni	

Those who voted in the negative were:

Abeler	Dempsey	Harder	Lindner	Reuter	Tingelstad
Abrams	Dorman	Hilty	Mares	Rhodes	Tuma
Anderson, B.	Dorn	Holberg	McElroy	Rifenberg	Van Dellen
Bishop	Erhardt	Holsten	Molnau	Rostberg	Vandever
Boudreau	Erickson	Howes	Mulder	Seagren	Westerberg
Bradley	Finseth	Jaros	Ness	Seifert, J.	Westfall
Broecker	Fuller	Kalis	Nornes	Seifert, M.	Westrom
Buesgens	Gerlach	Kielkucki	Olson	Smith	Wilkin
Cassell	Goodno	Knoblach	Osskopp	Stanek	Wolf
Clark, J.	Gunther	Krinkie	Ozment	Stang	Workman
Daggett	Haake	Kuisle	Paulsen	Storm	Spk. Sviggum
Davids	Haas	Larsen, P.	Pawlenty	Swenson	
Dehler	Hackbarth	Leppik	Pelowski	Sykora	

The motion did not prevail and the amendment was not adopted.

S. F. No. 1636, A bill for an act relating to governmental operations; providing for regulatory relief for local units of government; proposing coding for new law in Minnesota Statutes, chapter 14.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holsten	Lindner	Pelowski	Swenson
Abrams	Dorman	Howes	Luther	Peterson	Sykora
Anderson, B.	Dorn	Huntley	Mares	Pugh	Tingelstad
Anderson, I.	Erhardt	Jennings	Marko	Rest	Tomassoni
Bakk	Erickson	Johnson	McElroy	Reuter	Tuma
Biernat	Finseth	Juhnke	McGuire	Rhodes	Tunheim
Bishop	Folliard	Kalis	Milbert	Rifenberg	Van Dellen
Boudreau	Fuller	Kielkucki	Molnau	Rostberg	Vandever
Bradley	Gerlach	Knoblach	Mulder	Rukavina	Wenzel
Broecker	Gleason	Koskinen	Murphy	Schumacher	Westerberg
Buesgens	Goodno	Krinkie	Ness	Seagren	Westfall
Carlson	Gunther	Kubly	Nornes	Seifert, J.	Westrom
Carruthers	Haake	Kuisle	Olson	Seifert, M.	Wilkin
Cassell	Haas	Larsen, P.	Opatz	Skoe	Winter
Chaudhary	Hackbarth	Larson, D.	Osskopp	Smith	Wolf
Clark, J.	Harder	Leighton	Otremba	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Ozment	Stanek	Spk. Sviggum
Davids	Hilty	Leppik	Paulsen	Stang	
Dehler	Holberg	Lieder	Pawlenty	Storm	

Those who voted in the negative were:

Clark, K.	Hausman	Mahoney	Orfield	Trimble
Dawkins	Jaros	Mariani	Osthoff	Wagenius
Greenfield	Kahn	McCollum	Paymar	Wejcman
Greiling	Kelliher	Mullery	Skoglund	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1024 was reported to the House.

Molnau moved that H. F. No. 1024 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 595, A bill for an act relating to economic development; imposing a specific standard of proof for certain petrofund reimbursement reductions; providing reimbursement for certain bulk petroleum plants upgrading or closing aboveground storage tanks; regulating the cleanup of contaminated land; modifying the application of the Uniform Fire Code to aboveground tanks; providing a regulatory exception for underground tanks on farms; appropriating money; amending Minnesota Statutes 1998, sections 115C.08, subdivision 4; 115C.09, subdivision 3, and by adding a subdivision; 116J.562, subdivision 2; and 116J.567; proposing coding for new law in Minnesota Statutes, chapter 299F.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Mariani	Pelowski	Tingelstad
Abrams	Dorn	Howes	Marko	Peterson	Tomassoni
Anderson, B.	Entenza	Huntley	McCollum	Pugh	Trimble
Anderson, I.	Erhardt	Jaros	McElroy	Rest	Tuma
Bakk	Erickson	Jennings	McGuire	Reuter	Tunheim
Biernat	Finseth	Johnson	Milbert	Rhodes	Van Dellen
Bishop	Folliard	Juhnke	Molnau	Rifenberg	Vandever
Boudreau	Fuller	Kelliher	Mulder	Rostberg	Wagenius
Bradley	Gerlach	Koskinen	Mullery	Rukavina	Wejman
Broecker	Gleason	Krinkie	Murphy	Schumacher	Wenzel
Buesgens	Goodno	Kubly	Ness	Seagren	Westerberg
Carlson	Greenfield	Kuisle	Nornes	Seifert, J.	Westfall
Carruthers	Greiling	Larsen, P.	Olson	Seifert, M.	Westrom
Cassell	Gunther	Larson, D.	Opatz	Skoe	Wilkin
Chaudhary	Haake	Leighton	Orfield	Skoglund	Winter
Clark, J.	Haas	Lenczewski	Osskopp	Smith	Wolf
Clark, K.	Hackbarth	Leppik	Osthoff	Solberg	Workman
Daggett	Harder	Lieder	Otremba	Stanek	Spk. Sviggum
Davids	Hasskamp	Lindner	Ozment	Stang	
Dawkins	Hausman	Luther	Paulsen	Storm	
Dehler	Hilty	Mahoney	Pawlenty	Swenson	
Dempsey	Holberg	Mares	Paymar	Sykora	

The bill was passed and its title agreed to.

H. F. No. 1940, A bill for an act relating to utilities; modifying requirements for renewable energy development funding; specifying that certain required expenditures are recoverable; providing a siting preference for certain wind energy facilities; amending Minnesota Statutes 1998, sections 116C.779; 216B.1645; and 216B.2423, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dorman	Greenfield	Howes	Koskinen
Abrams	Carruthers	Dorn	Greiling	Huntley	Krinkie
Anderson, B.	Cassell	Entenza	Gunther	Jaros	Kubly
Anderson, I.	Chaudhary	Erhardt	Haake	Jennings	Kuisle
Bakk	Clark, J.	Erickson	Haas	Johnson	Larsen, P.
Biernat	Clark, K.	Finseth	Hackbarth	Juhnke	Larson, D.
Bishop	Daggett	Folliard	Harder	Kahn	Leighton
Boudreau	Davids	Fuller	Hasskamp	Kalis	Lenczewski
Bradley	Dawkins	Gerlach	Hausman	Kelliher	Leppik
Broecker	Dehler	Gleason	Hilty	Kielkucki	Lieder
Buesgens	Dempsey	Goodno	Holsten	Knoblach	Lindner

Luther	Mullery	Pawlenty	Schumacher	Swenson	Wenzel
Mahoney	Murphy	Paymar	Seagren	Sykora	Westerberg
Mares	Ness	Pelowski	Seifert, J.	Tingelstad	Westfall
Mariani	Nornes	Peterson	Seifert, M.	Tomassoni	Westrom
Marko	Olson	Pugh	Skoe	Trimble	Wilkin
McCollum	Opatz	Rest	Skoglund	Tuma	Winter
McElroy	Orfield	Reuter	Smith	Tunheim	Wolf
McGuire	Osskopp	Rhodes	Solberg	Van Dellen	Workman
Milbert	Osthoff	Rifenberg	Stanek	Vandever	Spk. Sviggum
Molnau	Ozment	Rostberg	Stang	Wagenius	
Mulder	Paulsen	Rukavina	Storm	Wejcmán	

The bill was passed and its title agreed to.

S. F. No. 615 was reported to the House.

Mullery moved to amend S. F. No. 615 as follows:

Page 1, line 14, before "Notwithstanding" insert:

"Subdivision 1. [SPECIFIC APPOINTMENTS.]"

Page 2, line 10, reinstate the stricken "and"

Page 2, line 11, strike the comma after "safety" and delete "and" and insert a period

Page 2, line 12, delete "(t)" and insert:

"Subd. 2. [OTHER CONFIDENTIAL, SUPERVISORY, PROFESSIONAL APPOINTMENTS.] Notwithstanding any provisions of the Minneapolis city charter, civil service rule, law or regulation to the contrary, the superintendent of the park and recreation board of the city of Minneapolis may appoint any suitable person to"

Page 2, line 17, delete the second comma and insert ". Appointments under this subdivision are subject to the Veterans Preference Act."

Subd. 3. [UNCLASSIFIED SERVICE.]"

Page 2, line 18, delete the paragraph coding and strike "and" and after "each" insert "person appointed under this section"

Page 3, after line 4, insert:

"Sec. 3. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; HENNEPIN COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin county may convey to the United States of America, acting through the United States Fish and Wildlife Service, Department of the Interior, the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Hennepin county and is described as:

(1) Lot 13, Auditors Subdivision 278, Hennepin county, Minnesota (parcel number 23 027 24 14 0001); and

(2) that part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 27, Range 24, lying easterly of Lot 59, Auditors Subdivision Number 205, and lying southwesterly of Parcel 13 as shown on Minnesota department of transportation right-of-way plat numbered 27-4 (parcel number 12 027 24 34 0001).

(d) The county has determined that the county's land management interests would best be served if the parcels were conveyed to the United States Fish and Wildlife Service."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 615, A bill for an act relating to local government; providing for the appointment of various employees of the Minneapolis park and recreation board; authorizing the city of Lakeville to change its general municipal elections to even-numbered years; amending Laws 1969, chapter 1024, section 1, as amended.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Otremba	Stanek
Abrams	Dorn	Holsten	Lindner	Ozment	Stang
Anderson, B.	Entenza	Howes	Luther	Paulsen	Storm
Anderson, I.	Erhardt	Huntley	Mahoney	Pawlenty	Swenson
Bakk	Erickson	Jaros	Mares	Paymar	Sykora
Biernat	Finseth	Jennings	Mariani	Pelowski	Tingelstad
Bishop	Folliard	Johnson	Marko	Peterson	Tomassoni
Boudreau	Fuller	Juhnke	McCollum	Pugh	Trimble
Bradley	Gerlach	Kahn	McElroy	Rest	Tuma
Broecker	Gleason	Kalis	McGuire	Reuter	Tunheim
Buesgens	Goodno	Kelliher	Milbert	Rhodes	Van Dellen
Carlson	Gray	Kielkucki	Molnau	Rifenberg	Wagenius
Carruthers	Greenfield	Knoblach	Mulder	Rostberg	Wejzman
Cassell	Greiling	Koskinen	Mullery	Rukavina	Wenzel
Chaudhary	Gunther	Krinkie	Murphy	Schumacher	Westerberg
Clark, J.	Haake	Kubly	Ness	Seagren	Westfall
Clark, K.	Haas	Kuisle	Nornes	Seifert, J.	Westrom
Daggett	Hackbarth	Larsen, P.	Olson	Seifert, M.	Wilkin
Davids	Harder	Larson, D.	Opatz	Skoe	Winter
Dawkins	Hasskamp	Leighton	Orfield	Skoglund	Wolf
Dehler	Hausman	Lenczewski	Osskopp	Smith	Workman
Dempsey	Hilty	Leppik	Osthoff	Solberg	Spk. Sviggum

Those who voted in the negative were:

Vandev eer

The bill was passed, as amended, and its title agreed to.

S. F. No. 1329 was reported to the House.

Leighton moved to amend S. F. No. 1329 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1140, the first engrossment:

"Section 1. [449.20] [LIMITED LICENSE FEES ON AMUSEMENT MACHINES.]

A home rule charter or statutory city may impose by ordinance a license fee on amusement machines of no more than the greater of the actual cost of issuing the license or \$15 per machine or location."

The motion prevailed and the amendment was adopted.

Leighton, Abeler and McElroy moved to amend S. F. No. 1329, as amended, as follows:

Page 1, line 10, delete "the greater of" and before "actual" insert "demonstrated and verifiable"

Page 1, line 11, delete "machine or" and before the period, insert "plus \$15 per machine"

The motion prevailed and the amendment was adopted.

S. F. No. 1329, A bill for an act relating to cities; limiting license fees on coin and currency activated amusement machines; proposing coding for new law in Minnesota Statutes, chapter 449.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abeler	Broecker	Erhardt	Greenfield	Holberg	Knoblach
Abrams	Carlson	Erickson	Greiling	Holsten	Koskinen
Anderson, B.	Clark, J.	Finseth	Gunther	Howes	Krinkie
Anderson, I.	Daggett	Folliard	Haake	Huntley	Kubly
Bakk	Davids	Fuller	Haas	Jennings	Kuisle
Biernat	Dehler	Gerlach	Hackbarth	Johnson	Larsen, P.
Bishop	Dorman	Gleason	Harder	Juhnke	Larson, D.
Boudreau	Dorn	Goodno	Hasskamp	Kalis	Leighton
Bradley	Entenza	Gray	Hilty	Kielkucki	Lenczewski

Leppik	Molnau	Paulsen	Rukavina	Swenson	Wilkin
Lieder	Murphy	Pawlenty	Schumacher	Sykora	Winter
Lindner	Ness	Pelowski	Seagren	Tingelstad	Wolf
Luther	Nornes	Peterson	Seifert, J.	Tomassoni	Workman
Mares	Olson	Pugh	Seifert, M.	Tuma	Spk. Sviggum
Marko	Opatz	Rest	Smith	Tunheim	
McCollum	Orfield	Reuter	Solberg	Van Dellen	
McElroy	Osskopp	Rhodes	Stanek	Wenzel	
McGuire	Otremba	Rifenberg	Stang	Westerberg	
Milbert	Ozment	Rostberg	Storm	Westfall	

Those who voted in the negative were:

Buesgens	Dawkins	Kahn	Mulder	Skoe	Wagenius
Carruthers	Dempsey	Kelliher	Mullery	Skoglund	Wejzman
Chaudhary	Hausman	Mahoney	Osthoff	Trimble	Westrom
Clark, K.	Jaros	Mariani	Paymar	Vandever	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1831 was reported to the House.

Dawkins moved to amend S. F. No. 1831 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2016, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 169.1217, subdivision 7, is amended to read:

Subd. 7. [LIMITATIONS ON FORFEITURE OF MOTOR VEHICLE.] (a) A vehicle is subject to forfeiture under this section only if:

(1) the driver is convicted of the designated offense upon which the forfeiture is based;

(2) the driver fails to appear with respect to the designated offense charge in violation of section 609.49; or

(3) the driver's conduct results in a designated license revocation and the driver either fails to seek administrative or judicial review of the revocation in a timely manner as required by section 169.123, subdivision 5b or 5c, or the revocation is sustained under section 169.123, subdivision 5b or 6.

(b) A vehicle encumbered by a bona fide security interest, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based.

(c) Notwithstanding ~~paragraph~~ paragraphs (b) and (d), the secured party's ~~or~~, lessor's, or owner's interest in a vehicle is not subject to forfeiture based solely on the secured party's ~~or~~, lessor's, or owner's knowledge of the act or omission upon which the forfeiture is based if the secured party ~~or~~, lessor, or owner took reasonable steps to terminate use of the vehicle by the offender.

(d) A motor vehicle is subject to forfeiture under this section only if its owner knew or should have known of the unlawful use or intended use.

(e) A vehicle subject to a security interest, based upon a loan or other financing arranged by a financial institution, is subject to the interest of the financial institution.

Sec. 2. Minnesota Statutes 1998, section 169.1217, subdivision 7a, is amended to read:

Subd. 7a. [ADMINISTRATIVE FORFEITURE PROCEDURE.] (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) When a motor vehicle is seized under subdivision 2, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership or possessory interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. Notice mailed by certified mail to the address shown in department of public safety records is sufficient notice to the registered owner of the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 169.1217, SUBDIVISION 7a, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500 AND YOU FILE YOUR CLAIM IN CONCILIATION COURT."

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is ~~less than \$500~~ \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle ~~without paying.~~ If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. Except as provided in this section, judicial reviews and hearings are governed by section 169.123, subdivisions 5c and 6, and shall take place at the same time as any judicial review of the person's license revocation under section 169.123. The proceedings may be combined with any hearing on a petition filed under section 169.123, subdivision 5c, and are governed by the rules of civil procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized and the plaintiff's interest in the vehicle seized. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under subdivision 8.

(g) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized vehicle, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, and attorney fees under section 549.21, subdivision 2.

Sec. 3. Minnesota Statutes 1998, section 609.5314, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE FORFEITURE PROCEDURE.] (a) Forfeiture of property described in subdivision 1 is governed by this subdivision. When seizure occurs, or within a reasonable time after that, all persons known to have an ownership or possessory interest in seized property must be notified of the seizure and the intent to forfeit the property. In the case of a motor vehicle required to be registered under chapter 168, notice mailed by certified mail to the address shown in department of public safety records is deemed sufficient notice to the registered owner.

(b) Notice may otherwise be given in the manner provided by law for service of a summons in a civil action. The notice must be in writing and contain:

(1) a description of the property seized;

(2) the date of seizure;

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 609.5314, SUBDIVISION 3, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500 AND YOU FILE YOUR CLAIM IN CONCILIATION COURT."

Sec. 4. Minnesota Statutes 1998, section 609.5314, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL DETERMINATION.] (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the county attorney for that county, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is ~~less than \$500~~ \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized property ~~without paying~~. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the county attorney and no court fees may be charged for the county attorney's appearance in the matter. The proceedings are governed by the Rules of Civil Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1999, and apply to forfeitures initiated on or after that date."

The motion prevailed and the amendment was adopted.

S. F. No. 1831, A bill for an act relating to crime prevention; making miscellaneous changes to certain forfeiture provisions; amending Minnesota Statutes 1998, sections 169.1217, subdivisions 7 and 7a; and 609.5314, subdivisions 2 and 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Jaros	Mahoney	Paulsen	Stang
Abrams	Finseth	Jennings	Mares	Pawlenty	Storm
Anderson, B.	Folliard	Johnson	Mariani	Paymar	Swenson
Anderson, I.	Fuller	Juhnke	Marko	Pelowski	Sykora
Bakk	Gleason	Kahn	McCollum	Peterson	Tingelstad
Bishop	Goodno	Kalis	McElroy	Pugh	Tomassoni
Boudreau	Gray	Kelliher	McGuire	Rest	Trimble
Bradley	Greenfield	Kielkucki	Milbert	Rhodes	Tuma
Broecker	Greiling	Knoblach	Molnau	Rifenberg	Tunheim
Carlson	Gunther	Koskinen	Mullery	Rostberg	Van Dellen
Cassell	Haake	Kubly	Murphy	Rukavina	Wagenius
Clark, J.	Haas	Kuisle	Ness	Schumacher	Wejcmán
Clark, K.	Hackbarth	Larsen, P.	Nornes	Seagren	Wenzel
Daggett	Harder	Larson, D.	Olson	Seifert, J.	Westerberg
Davids	Hasskamp	Leighton	Opatz	Seifert, M.	Westfall
Dawkins	Hausman	Lenczewski	Orfield	Skoe	Westrom
Dehler	Hilty	Leppik	Osskopp	Skoglund	Winter
Dempsey	Holsten	Lieder	Osthoff	Smith	Wolf
Dorman	Howes	Lindner	Otremba	Solberg	Workman
Dorn	Huntley	Luther	Ozment	Stanek	Spk. Sviggum

Those who voted in the negative were:

Biernat	Chaudhary	Gerlach	Mulder	Wilkin
Buesgens	Entenza	Holberg	Reuter	
Carruthers	Erickson	Krinkie	Vandevveer	

The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 718, A bill for an act relating to professions; regulating advanced practice registered nursing; amending Minnesota Statutes 1998, sections 62A.15, subdivision 3a; 148.171; 148.191, subdivision 2; 148.235; 148.261, subdivisions 1 and 5; 148.262, subdivision 1; 148.263, subdivisions 3 and 4; 148.271; 148.281, subdivision 1; 148.283; 245.462, subdivision 18; and 245.4871, subdivision 27; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, chapter 6340.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1825, A bill for an act relating to lawful gambling; specifying locations where pull-tab dispensing machines may be used; requiring certain information to be printed on raffle tickets; authorizing certain tipboard games and tipboard rules; increasing maximum consolation prizes for bingo games; specifying maximum tipboard prizes; amending Minnesota Statutes 1998, sections 349.151, subdivision 4b, and by adding a subdivision; 349.1711, by adding a subdivision; and 349.211, subdivision 2, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osskopp moved that the House refuse to concur in the Senate amendments to H. F. No. 1825, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 14, A bill for an act relating to education; providing that a person convicted of child abuse or sexual abuse is ineligible to be licensed as a teacher; providing for reconsideration in cases of reversal by a court; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fuller moved that the House refuse to concur in the Senate amendments to H. F. No. 14, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 746, A bill for an act relating to local government; permitting Grand Rapids to hold their general election in November.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Lessard, Vickerman and Frederickson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Solberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 746. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 709, A bill for an act relating to state procurement; authorizing the commissioner of administration to award a preference of as much as six percent in the amount bid for specified goods or services to small businesses; amending Minnesota Statutes 1998, section 16C.16, subdivision 7; repealing Minnesota Rules, part 1230.1860, item A.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Stumpf, Lesewski and Ten Eyck.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Tunheim moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 709. The motion prevailed.

**CALENDAR FOR THE DAY**

H. F. No. 1195 was reported to the House.

Molnau moved that H. F. No. 1195 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 891 was reported to the House.

Holberg moved that S. F. No. 891 be returned to the General Register. The motion prevailed.

**MOTION FOR RECONSIDERATION**

Broecker moved that the vote whereby S. F. No. 768 was not passed on Friday, May 7, 1999, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Broecker motion and the roll was called. There were 115 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Huntley	Mares	Peterson	Tingelstad
Abrams	Finseth	Jaros	Mariani	Pugh	Tomassoni
Anderson, I.	Folliard	Jennings	Marko	Rest	Trimble
Bakk	Fuller	Johnson	McCollum	Rhodes	Tuma
Biernat	Gleason	Juhnke	McElroy	Rifenberg	Tunheim
Bishop	Goodno	Kahn	McGuire	Rostberg	Van Dellen
Bradley	Gray	Kalis	Milbert	Rukavina	Wagenius
Broecker	Greenfield	Kelliher	Mullery	Schumacher	Wejzman
Carlson	Greiling	Kielkucki	Murphy	Seagren	Wenzel
Carruthers	Gunther	Koskinen	Ness	Seifert, J.	Westerberg
Cassell	Haake	Kubly	Nornes	Seifert, M.	Westfall
Chaudhary	Haas	Kuisle	Opatz	Skoe	Winter
Clark, K.	Hackbarth	Larsen, P.	Osskopp	Skoglund	Wolf
Daggett	Harder	Larson, D.	Osthoff	Smith	Workman
Davids	Hasskamp	Leighton	Otremba	Solberg	Spk. Sviggum
Dawkins	Hausman	Lenczewski	Ozment	Stanek	
Dehler	Hilty	Leppik	Paulsen	Stang	
Dorman	Holberg	Lieder	Pawlenty	Storm	
Dorn	Holsten	Luther	Paymar	Swenson	
Entenza	Howes	Mahoney	Pelowski	Sykora	

Those who voted in the negative were:

Anderson, B.	Erickson	Krinkie	Olson	Westrom
Buesgens	Gerlach	Lindner	Reuter	Wilkin
Clark, J.	Knoblach	Mulder	Vandevveer	

The motion prevailed.

S. F. No. 768 was reported to the House.

S. F. No. 768, A bill for an act relating to Ramsey county; making changes in the personnel process; amending Minnesota Statutes 1998, section 383A.288, by adding a subdivision.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Holberg	Leighton	Opatz	Seifert, J.
Anderson, I.	Erhardt	Holsten	Lenczewski	Orfield	Skoe
Bakk	Folliard	Huntley	Leppik	Osthoff	Skoglund
Biernat	Gleason	Jaros	Lieder	Otremba	Solberg
Boudreau	Gray	Jennings	Luther	Ozment	Tomassoni
Broecker	Greenfield	Johnson	Mahoney	Paymar	Trimble
Carlson	Greiling	Juhnke	Mares	Pelowski	Tunheim
Carruthers	Gunther	Kahn	Mariani	Peterson	Wagenius
Cassell	Haake	Kalis	Marko	Pugh	Wejcman
Chaudhary	Haas	Kelliher	McCollum	Rest	Wenzel
Clark, K.	Harder	Koskinen	McGuire	Rhodes	Winter
Davids	Hasskamp	Kubly	Milbert	Rostberg	Wolf
Dawkins	Hausman	Larsen, P.	Mullery	Rukavina	Workman
Dorn	Hilty	Larson, D.	Murphy	Schumacher	Spk. Sviggum

Those who voted in the negative were:

Abrams	Dorman	Kielkucki	Ness	Seagren	Tingelstad
Anderson, B.	Erickson	Knoblach	Nornes	Seifert, M.	Tuma
Bishop	Finseth	Krinkie	Olson	Smith	Van Dellen
Bradley	Fuller	Kuisle	Osskopp	Stanek	Vandever
Buesgens	Gerlach	Lindner	Paulsen	Stang	Westerberg
Clark, J.	Goodno	McElroy	Pawlenty	Storm	Westfall
Daggett	Hackbarth	Molnau	Reuter	Swenson	Westrom
Dehler	Howes	Mulder	Rifenberg	Sykora	Wilkin

The bill was passed and its title agreed to.

### MOTIONS AND RESOLUTIONS

Wagenius moved that the name of Gleason be added as an author on H. F. No. 2434. The motion prevailed.

Mares moved that the names of Westerberg and Nornes be added as authors on H. F. No. 2440. The motion prevailed.

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1825:

Osskopp, Milbert and Tomassoni.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 23:

Biernat; Seifert, J., and Smith.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 171:

Gray, Davids and Haas.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 346:

Wagenius; Seifert, J., and Boudreau.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 441:

Stanek, Haas and Liedner.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 746:

Solberg, Harder and Otremba.

The Speaker resumed the Chair.

## ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, May 11, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Tuesday, May 11, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

